MIGRATION PRIORITIES FOR THIS PARLIAMENT

This briefing provides an initial outline of the different areas related to migration following the General Election on 8 June that we expect to be developed in the forthcoming Parliament. We hope that despite current uncertainty, this briefing will enable local authorities and partner organisations in Yorkshire and the Humber to anticipate and plan for government policy announcements on migration.

What happens to migration issues under a minority government?

A minority Conservative government means not all pledges in the 2017 Conservative manifesto will be pursued, and there will be less immigration policy development than would have happened otherwise. The ‘confidence and supply’ arrangement1 between the Conservative Party and the Democratic Unionist Party (DUP) focuses on economic and defence themes although, in also agreeing to support the government on Brexit legislation, this inevitably includes EU migration issues.

What has happened since the election result?

Relevant political appointments include Brandon Lewis, MP for Great Yarmouth, a barrister and former council leader, now appointed as the new Immigration Minister. The confirmation of Amber Rudd MP as Home Secretary suggests some consistency in the Home Office approach towards migration. The Parliamentary Under Secretary of State for Vulnerability, Safeguarding and Countering Extremism remains Sarah Newton MP.

The Queen’s Speech on 21 June confirmed the following plans for the next two years:2

- The general migration policy approach aspires to attract ‘the brightest and the best’.
- EU law will be repealed and replaced by a Repeal Bill. This will end free movement of EU citizens3 and allow UK legislative control over migration from the EU.
- A subsequent immigration bill will focus on EU migration.
- The UK will lead global efforts to control mass migration and end modern slavery. This includes a desire to encourage refugees to seek safety in the first safe country they reach, and reduce secondary ‘mass movements’.
- A Commission for Countering Extremism will be established at the Home Office, which will involve supporting the public sector in ‘promoting and defending pluralistic values’ in local communities.

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3 This briefing uses the term ‘EU nationals’ to mean in practice the citizens of all EU member states plus EEA nationals (from Norway, Iceland, and Liechtenstein) as well as those from Switzerland. Republic of Ireland (ROI) citizens are not expected to be subject to the rules for other EU nationals, due to longstanding arrangements between the UK and ROI.
A White Paper (a proposed policy document) was then published by government, containing its ‘offer’ to EU migrants in the UK. It proposes the following:

- EU migrants in the UK who arrived before a certain ‘cut off date’ will need to apply for a new ‘settled status’ to stay here. Permanent residence status, which EU nationals can currently apply for but is not required, will not be valid after Brexit. Settled status will be akin to ‘indefinite leave to remain’ (ILR), guaranteeing the same rights as UK nationals except the right to vote unless they apply for citizenship.
- A ‘grace period’ of two years after the cut off date will give time for those with five years’ continuous residence in the UK to apply for settled status under a ‘light touch’ online process. EU nationals will not be required to leave the UK during this period.
- Those with less than five years’ continuous residence will be able to stay in the UK until they have accumulated five years’ residence when they will be able to apply for settled status. While accumulating their five years, they will need to apply for temporary residence after the grace period ends.
- EU nationals arriving after the cut off date will be able to apply for a temporary residence permit during the grace period, after which they will be subject to whatever UK immigration system replaces current freedom of movement.
- An exception for dependants. They will be eligible for settled status after five years regardless of arrival date.
- EU nationals’ rights will be based in UK law and enforced by UK courts rather than the European Court of Justice, which would have been preferred by the EU. At the time of writing, an independent oversight body was being mooted as a possible compromise on this issue, which would oversee EU nationals’ legal rights in the UK.

UK/EU Brexit discussions began on 19 June, headed by Brexit Secretary/East Yorkshire MP David Davis, and the EU’s chief negotiator Michel Barnier. The White Paper provides a basis for UK/EU Brexit discussions. The UK position is contingent on a reciprocal policy for UK nationals living in the EU. The UK offer was widely seen as less generous than what the EU had put forward, namely a ‘lifetime guarantee’ of the current rights for UK nationals in the EU. An agreement on citizens’ rights and the Northern Irish border are being discussed in the first phase of talks which are hoped to conclude by the end of 2017.

Expansion of eligibility for the Syrian Resettlement Programme was announced on 3 July. With immediate effect, it now includes other nationalities that have fled Syria.

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2 The cut off date is unspecified, but will be before we leave the EU on 29 March 2019.
3 Some of the existing requirements for permanent residency will be removed, such as the requirement to have held comprehensive sickness insurance.
7 ‘Resettlement’, Amber Rudd, Home Secretary. Written statement HCWS23, 3 July 2017 [www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-07-03/HCWS23](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-07-03/HCWS23) and ‘Refugees of all nationalities fleeing Syria are now eligible for resettlement in the UK’, Home Office
What was in the Conservative manifesto on migration?

It is unlikely that all of the ideas in the Conservative manifesto will be implemented, but they provide a guide to recent thinking. This is important because much migration policy does not require primary legislation, such as the net migration target, the minimum earnings threshold either to enter the UK as a skilled worker or to bring spouses to the UK, and charges on employers recruiting migrant staff. Conservative manifesto priorities on migration included the following:

**Border and migration controls**

- A repeated pledge to ‘control’ and ‘reduce’ immigration. This explicitly included keeping the net migration target as below 100,000. The target would continue to include international students in that calculation. The Conservatives planned to cut both EU and non-EU immigration, particularly unskilled migrants and those who ‘abuse’ the system, whilst simultaneously ensuring we can still recruit ‘the brightest and best’ employees, fill skilled labour shortages, and attract international students.

- The rights of British citizens in the EU and EU nationals in the UK would be secured, specifically including NHS staff. This is in line with the White Paper outlined above.

- The Common Travel Area and ‘as frictionless a border as possible’ between Northern Ireland and the Republic of Ireland would be maintained.

- Measures used previously to control immigration would be built on, including:
  - increasing the Immigration Skills Charge on employers (to £2K per worker)
  - keeping a significant number of work visas for ‘strategically important sectors’ such as digital technology
  - higher requirements on international students to come to the UK and to stay and work after their studies end
  - a raised earnings threshold for the UK sponsor of a family visa application
  - The Immigration Health Surcharge that ensures migrant access to treatment by the NHS would increase to £600 for workers, £450 for students.

**Communities and extremism**

The Conservative manifesto made statements about ‘divided communities’ and promised a new integration strategy with a focus on isolated communities, women into the workplace, and more English language support. It proposed a new Commission for Countering Extremism, confirmed in the Queen’s speech outlined above. It also promised to pursue plans to address hate crime.

Just prior to the election, the Prime Minister stated she would amend Human Rights law if necessary to ensure security and to counter terrorism. Her statement after London attacks

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11 The UK, the Republic of Ireland (ROI), the Channel Islands and the Isle of Man collectively form the ‘common travel area’. There are no immigration controls for travel within this area, although those who are subject to immigration control and travel from ROI to the UK must have leave to enter the UK.
was clear that ‘things need to change’. She emphasised the need to assert pluralistic British values and to identify and ‘stamp out’ the tolerance of extremism in society and across the public sector which might require ‘difficult’ and ‘embarrassing’ conversations.

Asylum seekers and refugees

The Conservatives want to maintain the UK as a ‘place of sanctuary’ but, importantly, they want to shift in emphasis from supporting asylum seekers in the UK (seen as generally young, fit and well-resourced) to refugees around the world ‘most in need of our help’, even suggesting they would seek to redefine the international meaning of asylum and refugee statuses. For clarity, it is worth citing the manifesto:

‘The government will offer asylum and refuge to people in parts of the world affected by conflict and oppression, rather than to those who have made it to Britain. We will work to reduce asylum claims made in Britain and, as we do so, increase the number of people we help in the most troubled regions. We will continue to work with other countries in Europe, and the United Nations, to review the international legal definitions of asylum and refugee status.’

A fairly ambiguous statement suggested councils will get help to support new arrivals and schemes to help local groups provide housing and support for refugees. It was unclear in the manifesto whether this referred to asylum seekers or new/resettled refugees.

Notably, there was no specific mention of Syrian refugees, nor (unaccompanied) asylum seeking children in Europe in the manifesto. Relatedly, support arrangements for ‘children in need’ (supported under the Children Act) will be reviewed in light of their poor outcomes, and their support needs. This would include unaccompanied asylum-seeking children who are ‘looked-after’ by local authorities as well as other migrant children being supported.

What was in the DUP manifesto on migration?

- A soft or ‘frictionless’ land border with the Republic of Ireland after Brexit
- Secured rights of British citizens in the EU and EU nationals in the UK
- The ability of the UK to bring in workers to fill shortages. Note that the Northern Irish economy relies on ‘unskilled’ migration i.e. jobs falling below the £35K threshold
- A need to pursue ‘mutual interests’ with the Commonwealth, hosting sporting events for example. This relationship has been ‘overlooked’ due to EU membership.
Local impacts: outstanding migration issues to be addressed

Migration issues that were outstanding prior to the election, and need to be resolved in the near future, include the following:

- **Post-Brexit immigration arrangements need to be confirmed.** It seems very likely that most EU nationals will be able to stay in the UK if they arrived before Brexit. There may be a skills-based policy to allow for skilled immigrants in line with the ‘brightest and best’ aspiration, although pragmatic allocations for low-skilled workers may be necessary due to the difficulties already experienced in some sectors.

- **280 ‘Dubs’ children are expected to be transferred to the UK from Europe.** These are the remaining children to arrive under the Dubs amendment of the Immigration Act 2016, since the government confirmed a total of 480 children to come through the scheme.\(^\text{12}\) As time passes it may be difficult to reach this total, since increasing numbers of children will become ineligible if they turn 18 (to be eligible, they must have arrived in the EU before 20 March 2016).

- **More details are expected about the Syrian Resettlement Programme (SRP).** The original pledge and timescales to resettle up to 20,000 individuals by 2020 have been confirmed by the Home Secretary. Expansion of the eligibility criteria to include other nationalities fleeing Syria may require further operational detail. Further, we expect plans to be announced during this Parliament regarding what will happen to the programme after 2020.

- **Regulations then revocation of Section 4 support for refused asylum seekers,** as per the Immigration Act 2016 (postponed since April). The impacts on asylum dispersal areas will require careful assessment and planning, particularly those with refused asylum-seeking families and refused young people leaving care.

- **Preparations for new asylum accommodation and support contracts in 2019,** when the extended/current COMPASS contract ends. The Home Office began consulting on new arrangements during 2016, to give adequate time for procurement for a new contract. Relatedly, the strategy to expand the number and locations of asylum dispersal areas around the country is likely to continue.

- **A formal government response is expected to the Casey Review.** The Casey Review on opportunity and integration was published December 2016 as part of the government counter-extremism strategy, and a formal government response was due in Spring 2017. This could be aligned with the Commission for Countering Extremism as per the Queen’s Speech. Related to this, there may be confirmation of the continuation of the Controlling Migration Fund which was announced at the end of 2016 as a four-year funding stream for councils to support communities that have experienced local impacts of migration.

In summary: five key things we anticipate during the forthcoming Parliament

1. Confirmation of agreed EU/UK nationals’ rights in their respective host countries after early Brexit negotiations.

2. A UK/EU agreement on how to keep a ‘frictionless’ N Ireland/ ROI land border.

3. Post-Brexit immigration plans that ensure migrants can be brought to the UK to fill skilled or unskilled labour shortages in the national or regional economies.

4. Detailed plans to tackle extremism, including expectations upon the public sector to promote pluralistic values.

5. Resolution of outstanding practical migration issues affecting local communities amid ‘business as usual’ (in relation to ongoing support provided to asylum seekers, unaccompanied asylum-seeking children, resettled refugees and other new arrivals). This includes the withdrawal of Section 4 support from refused asylum seekers, plans to provide asylum accommodation after 2019, and the future of the Syrian Resettlement Programme.

This briefing was prepared by Pip Tyler in July 2017.

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